

## ***REMARKS***

Claims 1 to 7 continue to be in the case.

### ***The Office Action refers to the Drawings.***

The drawings are objected to as failing to comply with 37 UR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the circular opening 8 is not shown. Corrected drawing sheets in compliance with 37 UR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant attaches a replacement sheet with a completed Figure 4.

### ***The Office Action refers to the Specification.***

The abstract of the disclosure is objected to because it is too long, it should be 150 words or less. Correction is required. See MPEP § 608.01(b).

Applicant is attaching a new Abstract of the Disclosure deemed to meet the requirements.

The Office Action refers to *Claim Objections*

Claims 1-3 and 7 stand objected to because of the following informalities: in claim 1, line 12 and in claim 2, line 2 "the spindle" should be "the inner body"; in claim 3, line 1 "charaterixed" should be "characterized"; in Claim 7, line 2, "retaineris" should be "retainer is".

Appropriate correction is required.

The Applicant is amending claims 1, 2, 3, and 7 to obviate the objections.

*The Office Action refers to Claim Rejections - 35 USC § 112.*

Claim 7 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitations "the crown wheel" and "the spindle" in line B. There is insufficient antecedent basis for this limitation in the Claim.

Claim 7 is being amended to resolve the antecedent basis question.

*The Office Action refers to Claim Rejections - 35 USC § 102.*

Claims 1,3 and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Von Weissenfluh et al (USPN 5,626,475). Von Weissenfluh et al discloses a dental matrix retainer used as an aid when filling two- surface cavities in the molars, with a matrix holder (1) and a device for tensioning a matrix band placed in the form of a loop around the tooth which is to be treated, the matrix holder (1) being composed of a housing (6) with a circular opening (through which spindle 7 is received), and of a spindle-like inner body (7) which can turn in this opening and which is provided with a gap (7b), said gap (7b) being able to be aligned with a slit (6b) in the wall of the housing (6) such that the superposed ends of the matrix can be inserted into this slit (6b) and into the gap (7b) aligned therewith and can be tensioned on the tooth by turning the inner body (7), characterized in that a toothed wheel (7c) is provided on the upper end of the spindle (7) protruding from the circular opening of the housing (6), said toothed wheel (7c) being able to be engaged with a drive device (2) which has a laterally outwardly extended drive shaft (10). To claim 3, the drive device (2) is composed of the drive shaft (10) and of the drive pinion (9) arranged at one end thereof. Further to claim 5, the drive shaft (10) can be turned inside a tubular sleeve (19) with the aid of a rotary knob (16) provided at its end remote from the drive pinion (9), from which sleeve (19) a support fork (4,5) protrudes forward underneath the drive pinion (9) and can slide under an edge (above and creating groove 3 as shown in Figure 7) protruding laterally from the upper end of the housing (6).

Claim 1 is being amended by requiring that “ said toothed wheel (13, 27) being able to be engaged immediately and to contact directly with a drive device (4)”. The reference Von Weissenfluh et al. teaches in column 4, lines 20 to 27, that a conical toothed wheel 8a meshes with pinion 9 of shaft 10, and toothed crown 8b is meshed to size with toothed wheel 7c of pin 7 of tension matrix 1. Thus according to the reference there is an additional conical toothed wheel 8a there where claim 1 of the present application now requires an immediate engagement and direct contact.

*The Office Action refers to Allowable Subject Matter.*

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant sincerely appreciates the indication of allowable subject matter. Claim 6 has been rewritten and should be in fully allowable form..

Reconsideration of all outstanding rejections is respectfully requested.

All claims are deemed to be in form for allowance and an early Notice of Allowance is earnestly solicited.

Respectfully submitted,

Alfred Schaffner

By: Horst M Kasper  
Horst M. Kasper, his attorney  
13 Forest Drive, Warren, N.J. 07059  
Tel.: (908)526-1717; Reg.No. 28559  
Attorney's Docket No.: ERT204